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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,283	09/28/2001	James Morrow	10407/521	6806

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EXAMINER
CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/967,283	Applicant(s) MORROW ET AL.
	Examiner Yveste G. Cherubin	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) *21-29,47 and 51-56* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,30-46 and 48-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the communication received on January 6, 2003.

Election/Restrictions

2. Applicant's election of Group I in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 21-29, 47, 51-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected Groups II - Groups IV, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

a. Claims 1, 3, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Acres (US Patent No. 5,655,961).

As per claims 1, 6, Acres discloses automatically reconfiguring his system during idle time, 1:65 through 2:1-9. As per claim 3, Acres discloses that player tracking device allows his system to provide bonusing game sessions to certain individual players, 3:16-21.

b. Claims 5, 7, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Pease et al. (US Patent No. 5,759, 102).

As per claims 5, 7, Pease is deemed to meet the claimed limitations as broadly claimed. Pease discloses a system capable of downloading data to gaming terminal during idle time, 6:34-67. This reconfiguration process can be set up by the casino operator. As per claim 50, Pease discloses having a personnel physically walking form terminal to terminal to proceed with downloading process, 4:24-47.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres (US Patent No. 5,655,961).

As per claim 4, Acres discloses the claimed invention as substantially as shown above. However, Acres does not disclose the trigger being a speed at which a game is played. Setting the trigger to be a speed at which a game is played would have been a matter of design choice. Doing so would to provide incentive to players to keep playing and therefore make the game more exciting.

b. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Weiss.

As per claim 2, Acres discloses the claimed invention as substantially as shown above. Acres is silent on reconfiguring in response to a wagered amount. Weiss discloses a gaming device, which provides a player with an opportunity of an enhanced output based on display. Weiss discloses allowing a player to enable a second display when a maximum bet (wager) is inserted. It would have been obvious to one of ordinary skill in the art a the time the invention was made to include the above cited feature as taught by Weiss into the Acres type system in order to provide greater excitement by allowing the player to make subsequent decisions with respect to wagering.

c. Claims 8-14, 16-17, 20, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US Patent No. 6,135,884) in view of Acres (US Patent No. 5,655,961).

As per claims 8, 9, 46 Hedrick discloses a plurality of video displays. Hedrick fails to disclose reconfiguring the system remotely. Acres discloses a network system capable of being reconfigured remotely, 6:20-32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the Hedrick system by providing the network feature of Acres for better control. As per claim 10, Hedrick discloses one of the screens comprising a game. As per claims 11, 12, Hedrick discloses that the second video display may display information directly associated with the game play, 3:24-34. As per claim 13, Hedrick discloses the video content of one of

the screen comprises a secondary game. As per claims 14, 20, 45 Acres discloses automatically reconfiguring his system during idle time, 1:65 through 2:1-9. As per claim 16, Acres discloses that player tracking device allows his system to provide bonusing sessions to certain individual players, 3:16-21. As per claim 17, setting the trigger to be a speed at which a game is played would have been a matter of design choice. Doing so would provide incentive to players to keep playing and make the game more exciting.

d. Claims 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick in view of Acres (US Patent No. 5,655,961) as applied to claims 8-14, 16-17, 20, 41, 45-46 above, and further in view of Weiss (US Patent No. 6,142,873).

As per claims 15, 19, Hedrick in view of Acres do not disclose the claimed invention as substantially as explained above. Hedrick in view of Acres fail to disclose the trigger being a wagered amount and the video content being reconfigurable at the request of a player. Weiss discloses a gaming device, which provides a player with an opportunity of an enhanced output based on display. Weiss discloses allowing a player to enable a second display when a maximum bet (wager) is inserted. It would have been obvious to one of ordinary skill in the art a the time the invention was made to include the above cited feature as taught by Weiss into the Hedrick in view of Acres type system in order to provide greater excitement by allowing the player to make subsequent decisions with respect to wagering.

e. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick in view of Acres (US Patent No. 5,655,961) as applied to claims 8-14, 16-17, 20, 41, 45-46 above, and further in view of Pease et al. (US Patent No. 5,759,102).

As per claim 18, Hedrick in view of Acres discloses the claimed invention as substantially as explained above. Hedrick in view of Acres fail to disclose reconfiguring the video content by the casino. Pease discloses that casino operator can set up the reconfiguration process by downloading data during idle time. It would have been obvious to one of ordinary skill in the art to provide the casino operator to proceed with the reconfiguration process in order to provide minimum inconvenience to players since the operator monitors the floor and know what gaming device is not being used.

f. Claims 30, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITEM in view of Hedrick.

As per claims 30, 48, ITEM discloses a gaming machine that is capable of being reconfigured in a few hours instead of days. ITEM discloses a 3-screen view where the first screen can be arranged to attract players and the other 2 screens can be configured to provide new look to existing games. ITEM's modular design allows for quick changes and upgrades. However, ITEM discloses that the third screen can run independent of game play for property promotions. On the other hand, Hedrick discloses a system with a plurality containing a plurality of video displays and wherein one of the video display displays a game and wherein the additional video display contains information directly associated with game play. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide the associated display of game play as taught by Hedrick into the ITEM type system in order to provide extra information to the players according to the game being played and avoid confusion.

g. Claims 31, 33-34, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITEM in view of Hedrick as applied to claims 30, 48 above, and further in view of Acres (US Patent No. 5,655,961).

As per claims 31, 33, 37 ITEM in view of Hedrick disclose the claimed invention as substantially as shown above. However, ITEM in view of Hedrick fail to disclose that the automatic reconfiguration takes place in response to a trigger. Acres discloses automatically reconfiguring his system during idle time, 1:65 through 2:1-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the automatic feature as taught by Acres into the ITEM type system in order to upgrade and enhance the system and avoid the use of an operator. As per claim 33, Acres discloses that player tracking device allows his system to provide bonusing to certain individual players as well as during certain times, 3:16-21. As per claim 34, setting the trigger to be a speed at which a game is played would have been a matter of design choice. Doing so would provide incentive to players to keep playing and make the game more exciting.

h. Claims 32, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITEM in view of Hedrick and Acres as applied to claims 31, 37 above, and further in view of Weiss.

As per claims 32, 36 ITEM in view of Hedrick and Acres disclose the claimed invention as substantially as shown above. However, ITEM in view of Hedrick and Acres fail to disclose the trigger being a wagered amount. Weiss discloses a gaming device, which provides a player with an opportunity of an enhanced output based on display. Weiss discloses allowing a player to enable a second display when a maximum bet (wager) is inserted. It would have been obvious to one of ordinary skill in the art a the time the invention was made to include the above cited feature as taught by Weiss into the ITEM in view of Hedrick and Acres type system in order to provide greater excitement by allowing the player to make subsequent decisions with respect to wagering.

i. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITEM in view of Hedrick and further in view of Pease.

As per claim 35, ITEM in view of Hedrick disclose the claimed invention as substantially as explained above. ITEM in view of Hedrick fail to disclose reconfiguring the video content by the casino. Pease discloses that casino operator can set up the reconfiguration process by downloading data during idle time. It would have been obvious to one of ordinary skill in the art to provide the casino operator to proceed with the reconfiguration process in order to provide minimum inconvenience to players since the operator monitors the floor and know what gaming device is not being used.

j. Claims 38, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick (US Patent No. 6,135,884).

As per claims 38, 49 Hedrick discloses a plurality of video displays and further discloses having his second display containing information directly associated with game play. Hedrick went on disclosing having a bonus or secondary game in his system. It would be obvious to one of skill in the art at the time the invention was made to provide information directly associated to the bonus or secondary game on the second video display at the time of playing the bonus in order to prevent confusion.

k. Claims 39, 40, 42, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick (US Patent No. 6,135,884) in view of Weiss.

As per claims 39, 44 Hedrick discloses the claimed invention as substantially as explained above. However, Weiss fails to disclose the trigger being a wagered amount and the video content being reconfigurable at the request of a player. Weiss discloses a gaming device, which provides a player with an opportunity of an enhanced output based on display. Weiss discloses allowing a player to enable a second display when a maximum bet (wager) is inserted. It would have been obvious to one of ordinary skill in the art a the time the invention was made to include the above cited feature as taught by Weiss into the Hedrick type system in order to provide greater excitement by allowing the player to make subsequent decisions with respect to wagering. As per claim 40, Weiss discloses a gaming device, which provides a player with an opportunity

of an enhanced output based on display. Weiss discloses allowing a player to enable a second display when a maximum bet (wager) is inserted. As per claim 41, refer to claim 16 for rejection. As per claim 42, setting the trigger to be a speed at which a game is played would have been a matter of design choice. Doing so would provide incentive to players to keep playing and make the game more exciting.

I. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick in view of Pease et al. (US Patent No. 5,759,102).

As per claim 43, Hedrick discloses the claimed invention as substantially as explained above. Hedrick fails to disclose reconfiguring the video content by the casino. Pease discloses that casino operator can set up the reconfiguration process by downloading data during idle time. It would have been obvious to one of ordinary skill in the art to provide the casino operator to proceed with the reconfiguration process in order to provide minimum inconvenience to players since the operator monitors the floor and know what gaming device is not being used.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

March 6, 2003

ygc

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